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**Remarks****RECEIVED  
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Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. Claims 1, 2, 4-9, 13, 14, and 16-22 are pending, with claims 21-22 being new.

Claim 1 is amended by incorporating the subject matter of original claim 3, and hence claim 1 is the same as if claim 3 had been rewritten in independent format. Similarly, the subject matter of original claim 15 is incorporated into independent claim 13. Therefore, with respect to independent claims 1 and 13, applicant has not introduced new subject matter that was not originally presented in the claims.

If a newly cited reference is added or a new ground of rejection is introduced by the examiner that is not necessitated by applicant's amendment of the claims, the rejection may not be made final. MPEP 2144.03

Applicant's arguments presented below focus on certain patentable differences between the invention as claimed and the applied references. However, it is not to be inferred that the failure to argue all differences between the claimed subject matter and the applied references constitutes acceptance of assertions made in the Office Action of alleged similarities between elements of the claimed subject matter and the applied references.

Claim Rejection - 35 U.S.C. §102:

Claims 1-8 and 13-19 stand rejected under 35 U.S.C. §102 as being anticipated by Techchandani (U.S. Patent No. 6,816,090). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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Since claim 1 now contains the subject matter of claim 3, this incorporated subject matter stands rejected for the reasons stated in the Office Action for claim 3. All of the added subject matter from claim 3 comprises part of the step of executing the predetermined control action corresponding to the first text based command that is received as part of the control message transmitted over a wireless communication channel. For example, the control message could be communicated from a cellular phone. A request for information signal is generated and transmitted to an apparatus external to the remote control device. For example, a remote control device could comprise the remote control device 20 located in vehicle 18 as shown in FIG. 1 of the present application and the external apparatus could comprise an electronic vehicle module capable of operating various functions of the vehicle. First status information is received from the apparatus in response to the information signal. A reply message is transmitted to the address from which the control message was received; the reply message contains the first status information in text based format.

Teckchandani describes that a "status message" can be sent from the security monitoring system of a vehicle through a communication network to the user's communication device, i.e. a mobile phone or a pager. It is clear that the "status message" as used in Teckchandani refers to the transmission of a message from the vehicle security system to the user notifying the user of a security breach; see column 6, lines 21-24. That is, the status message of Teckchandani is generated when the security monitoring system itself detects a security breach based upon a stored number of predetermined conditions being monitored at the vehicle. None of the cited text portions of Teckchandani teach or suggest that the "status message" of Teckchandani is generated in response to text based commands received as part of the control message over a wireless communication channel from the user.

With regard to the rejection of claim 3 in the Office Action, the following portions of text of Teckchandani were cited: column 6, lines 32-45; column 5, lines 9-17, lines 26-32; column 9, lines 7-23; column 12, lines 25-41; column 13, lines 20-26; column 13, lines 20-26. Reviewing each of these portions of text, none of these cited portions provide a teaching that discloses the required steps of receiving first status information from an external apparatus in response to the request of the information signal or in a reply messages transmitted to the address from which

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the control message was received. Therefore, claim 1, which now incorporates the contents of original claim 3, is not anticipated by Teckchandani and the withdrawal of the rejection is sought.

Claim 5 defines the received control message as including a first text based command and an associated first parameter for the first parameter defines a numeric value that is utilized in determining the control action to be executed. This claim was rejected under 35 U.S.C. 102 based on Teckchandani, citing column 14, lines 12-20. This cited text portion comprises subsections f and g of claim 10 of Teckchandani. Section f recites a plurality of output devices that execute control commands. Section g recites a wireless communication device connected to the processor, where the wireless communication device communicates the status message to the user and transmits user control commands to the processor. Nothing in this text discloses or suggests the use of a numeric value utilized in the first parameter as part of the control message where the numeric value is utilized in determining the control action to be executed. Since the limitation of claim 5 is not taught by the language in Teckchandani relied upon by the examiner, prima facie grounds for rejection have not been established under 35 U.S.C. 102.

Regarding claim 5, it is stated that since control signal/command is executed, a parameter defining a numerical value **must be inherent to the prior art system**. Applicant respectfully traverses this assumption.

"To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) MPEP 2112. (Emphasis added)

One of ordinary skill the art would understand that a text based control message sent by a user might preferably consist of "unlock driver door", "open passenger front window" as the command. That it is, there is no requirement to utilize a numeric value to convey a desired command. There is nothing in the cited text of Teckchandani that would make the requirement

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of a numeric value "necessarily present" to one of ordinary skill in the art. As referenced in the above quotation relating to the established requirements for inherency, the mere fact that a certain thing may result from a given set of circumstances is not sufficient. Therefore, since one of ordinary skill in the art would not find the use of a numeric value utilized as a first parameter associated with the first text based message to be inherently required in accordance with the teachings of Teckchandani, the rejection of claim 5 fails to state prima facie grounds for the rejection and should be withdrawn.

Independent claim 13 and dependent claim 16 are believed to be allowable for the same reasons explained above with regard to claims 1 and 5, respectively.

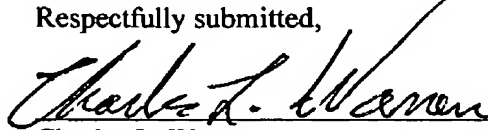
Claims 9, 10-12 and 20 were rejected under 35 U.S.C. 103 based on Teckchandani in view of Muramatsu ( US 2003/0193390). However, since Muramatsu was not relied upon to the rejection claims 1, 3, 13, 18, this reference is not relevant to the above discussion of these claims.

New claim 21, depends on claim 1, defines that the generating of the request for information signal is in response to the receipt of the first text based command, and the first status information received by the remote control device was originated by and transmitted from the apparatus. Claim 22, which depends on claim 13, is similar to claim 21. It is believed that these claims more specifically defined patently distinguishing subject matter.

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In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles L. Warren", is written over a horizontal line.

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